

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re 35 U.S.C. 371 Application of

PCT Application No. : PCT/US2005/004408  
International Filing Date : February 14, 2005  
Application No. : 10/597,914  
Filed : August 11, 2006  
Applicant : Brian Tripet et al.  
Confirmation No. : 7833  
TC/A.U. : 1646  
Examiner : Not Assigned  
For : COMPOSITIONS AND METHODS FOR MODIFICATION AND  
PREVENTION OF SARS CORONAVIRUS INFECTIVITY  
Docket No. : 6-04  
Customer No. : 23713

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

### CERTIFICATE OF EFS-WEB FILING

I hereby certify that this correspondence is being submitted with the USPTO EFS-WEB system on the date indicated below.

August 3, 2007  
Date

/cathynelson/  
Cathy Nelson

## RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) mailed May 4, 2007, included herewith are:

1. Copy of Formalities Letter (Notification of Missing Requirements) - 2 pages
2. Executed Declaration for Utility Patent Application - 3 pages
3. Petition for Extension of Time - 1 page
4. Copy of previous Submission to U. S. Receiving Office during International Phase regarding Sequence Listing:
  - a. Copy of paper sequence listing submitted 2/14/05 – 46 pages
  - b. Copy of diskette label submitted 2/14/05 – 1 page
  - c. Copy of Sequence Listing Statement under 37 C.F.R. submitted 2/14/05 – 1 page
  - d. Copy of return postcard acknowledging receipt of above items – 1 page
5. Sequence Listing as \*.txt file corresponding to submission in computer readable format on diskette of 2/14/05

The Notification of Missing Requirements acknowledges receiving some Sequence Listing materials as filed on August 11, 2006 but also states that certain of the same Sequence Listing materials must be furnished. Applicants herewith point out that all of the Sequence Listing requirements, including a Sequence Listing Statement, were met during the International phase of this application. For convenience, the Applicants herewith provide duplicate copies of materials originally submitted on February 14, 2005. Also, the Applicants herewith provide a \*.txt file via EFS-WEB system and understand that a Sequence Listing Statement is not necessary for such submission.

The Notification indicates that the International Search Report (ISR) has not been supplied and that the Search Fee has been adjusted to reflect this omission. Applicants believe that it is inappropriate to penalize the Applicants when the USPTO as the International Search Authority has failed to provide the ISR to date or during the international phase. Applicants request that no Search Fee should be charged under the circumstances for this national phase application.

Payment of fees due is being made through the Electronic Filing System in the amount of \$60 for one month extension of time. If that amount is incorrect, however, please charge any deficiency or credit any overpayment to Deposit Account No. 07-1969.

Respectfully submitted,  
/sjpennerREG54371/

Steven J. Penner  
Reg. No. 54,371

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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/597,914	Brian Tripet	6-04

23713  
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 BOULDER, CO 80301

INTERNATIONAL APPLICATION NO.	
PCT/US05/04408	
I.A. FILING DATE	PRIORITY DATE
02/14/2005	02/12/2004

CONFIRMATION NO. 7833  
 371 FORMALITIES LETTER



\*OC000000023688422\*

Date Mailed: 05/04/2007

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 08/11/2006
- Preliminary Amendments filed on 08/11/2006
- Biochemical Sequence Listing filed on 08/11/2006
- U.S. Basic National Fees filed on 08/11/2006
- Priority Documents filed on 08/11/2006
- Specification filed on 08/11/2006
- Claims filed on 08/11/2006
- Abstracts filed on 08/11/2006
- Drawings filed on 08/11/2006
- Paper nucleotide sequence listings filed on 08/11/2006

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37

ENT'D MAY 07 2007

371 FORMALITIES LETTER

CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Additionally the following defects have been observed:

- The International Search Report has not been supplied, the Search Fee has been adjusted to reflect this omission.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)**

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

KAREN M WILLIAMS

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**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/597,914	PCT/US05/04408	6-04